

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Kobi Bordoley	Team: Squad #3	CCRB Case #: 201609379	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 03/24/2016 3:50 PM, Saturday, 10/08/2016	Location of Incident: § 87(2)(b)	Precinct: 68	18 Mo. SOL 9/24/2017	EO SOL 9/24/2017	
Date/Time CV Reported Thu, 11/10/2016 2:17 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Thu, 11/10/2016 2:17 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Boyle	08547	948689	068 PCT
2. POF Alysha Williams	05067	949800	068 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Anthony Chilelli	09682	957457	068 PCT
2. POM Justin Douglas	29998	956610	068 PCT
3. POM Patrick Memi	05078	958923	068 PCT
4. POM Spencer Craven	14427	946881	068 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Boyle	Abuse: Police Officer Daniel Boyle entered and/or searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.POF Alysha Williams	Abuse: Police Officer Alysha Williams entered and/or searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)
C.POM Daniel Boyle	Abuse: Police Officer Daniel Boyle refused to provide his name and/or shield number to an individual.	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On November 10, 2016, § 87(2)(b) made this complaint in person at the CCRB.

On March 24, 2016, § 87(2)(b) had an argument with her neighbors, with whom she has had an ongoing dispute. At approximately 3:50 P.M., her neighbor violated an order of protection by speaking to her husband and § 87(2)(b) called the police. The police soon arrived, and § 87(2)(b)'s husband told PO Daniel Boyle and PO Alysha Williams, both of the 68th Precinct, to wait outside as he went to retrieve files concerning her neighbors. As he went to get the files, PO Boyle and PO Williams entered her apartment and came into her kitchen (**Allegation A and B**). § 87(2)(b)'s husband then came down the stairs and asked the officers what they were doing, and that they had no right to enter the apartment. PO Boyle and Williams asked § 87(2)(b)'s husband if there were any weapons inside, as that was what the neighbors reported, and if § 87(2)(b) was on any medication. § 87(2)(b)'s husband said that there were not any weapons inside, and that § 87(2)(b) was not on medication. § 87(2)(b) then asked about whether or not the officers had a warrant, to which they responded that they did not. At that point, § 87(2)(b)'s husband asked PO Boyle what his name was, to which he allegedly responded, "I don't have to give you that," and covered his name plate with his hand (**Allegation C**). § 87(2)(b) then told the officers to leave, and they did. During the incident, an ambulance came, as well as other officers, PO Anthony Chilelli, PO Justin Douglas, PO Patrick Memi, and PO Spencer Craven, also from the 68th Precinct, who stood outside. § 87(2)(b) was not taken to the hospital as a result of the incident. § 87(4-b) § 87(2)(g)

There was no video footage of this incident.

This case is over 90 days old as § 87(2)(b) initially provided the wrong date, and the actual date of the incident was not discerned until approximately two and a half months after the complaint was made, at which point further document requests were required.

Mediation, Civil and Criminal Histories

- Mediation was not offered to § 87(2)(b) § 87(2)(b)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- On March 21, 2017, a FOIL request confirmed that no Notices of Claim were filed by § 87(2)(b) in regards to this incident (02 Board Review).

Civilian and Officer CCRB Histories

- § 87(2)(b) has four other CCRB complaints, containing four other allegations. § 87(2)(b), § 87(2)(g)

- PO Boyle has been a member of the NYPD for seven years and has one prior CCRB case involving one allegation. That case, 201609606, § 87(2)(b) is pending Board review, § 87(2)(g).
- PO Williams has been a member of the NYPD for seven years and has one prior CCRB case involving one allegation that was not substantiated, § 87(2)(g).

Potential Issues

- § 87(2)(b) repeatedly stated that her husband did not want to be involved in the investigation, and she refused to provide his name or contact information. Thus, a statement from him could not be obtained (05 Board Review).
- § 87(2)(b) originally alleged that this incident occurred on October 8, 2016. However, police documents did not indicate that an incident fitting the details § 87(2)(b) provided occurred on that day (04 Board Review).
- PO Boyle said in his interview that this incident may have happened during the spring or the summer of 2016, but without knowing the date or reviewing the relevant memo book entry he could not be sure as to the full details of the incident (06 Board Review).
- On January 31, 2017, EVENT documents revealed that the incident likely occurred on March 24, 2016. However, because six months had passed since the incident, no 911 calls nor corresponding radio recordings could be acquired. (07 Board Review).
- That same day, during a phone call with § 87(2)(b) she confirmed that the incident may have occurred in March 2016, and not in October 2016 (08 Board Review).
- Because a copy of PO Boyle's memo book entries from March 24, 2016, did not contain an entry in regards to this incident and because the investigation had no new information that could potentially refresh his memory, he was not re-interviewed by the CCRB (09 Board Review).
- § 87(2)(g)

Findings and Recommendations

Explanation of Officer Identification

- § 87(2)(b) said in a phone statement on November 17, 2016, that PO Boyle, whose name she acquired the night before during a police encounter (which led to CCRB § 87(2)(b) was the subject officer for this case (17 Board Review). § 87(2)(g)
- Additionally, § 87(2)(b) described one of the officers that entered her apartment as a black female officer. According to the Roll Call and EVENT Documents from March 24, 2016, PO Williams was the only responding officer who fit that description. § 87(2)(g)

Allegation A – Abuse of Authority: Police Officer Daniel Boyle entered and/or searched § 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Alysa Williams entered and/or searched § 87(2)(b)

§ 87(2)(b) said that she called 911 because her neighbors violated an order of protection, and that he neighbors eventually called 911 as well. When officers arrived, PO Boyle and PO Williams allegedly entered her apartment and spoke to her husband, who was inside, even though they had been told to wait outside. Once inside, the officers asked § 87(2)(b) s husband whether or not he had any weapons, as had been reported by the neighbors, and if § 87(2)(b) was on any medications. After responding that there were no weapons inside and that § 87(2)(b) was not on medications, § 87(2)(b) asked the officers if they had a warrant, to which they responded that they did not. § 87(2)(b) then asked the officers to leave, which they then did (04 Board Review).

PO Boyle recalled responding to § 87(2)(b) s address because of a 911 call from the neighbors saying that she was an emotionally disturbed person (EDP) who was “out of control” and off of her medications. However, he did not recall if the call came over as an EDP or a violent EDP. Upon arrival, PO Boyle entered the apartment and spoke to § 87(2)(b) s husband, and while he did not recall § 87(2)(b) being present for the conversation, he believed that she may have been nearby and complained of his entry. PO Boyle did not think he was asked to come inside, and did not recall exactly how he got into the house. However, he did not think there was struggle to gain entry into the residence. Inside, PO Boyle asked § 87(2)(b) s husband whether or not § 87(2)(b) was on any medication, and if she had any mental health conditions. § 87(2)(b) s husband said that he had “had enough of this,” and did not want to be further involved. PO Boyle then left the residence, and believed that EMS personnel discerned that § 87(2)(b) was of sound mental health, and not a threat to anyone, and therefore did not need to be removed to the hospital. While PO Boyle did not recall the specific details of the incident, he said that in situations of alleged self-harm or when someone is acting in a dangerous way, it is necessary to gain entry into the residence in question. PO Boyle posited this statement as a matter of fact, but did not specify that this was a reason for his entry during this incident. PO Boyle did not recall any reports that § 87(2)(b) or her husband had weapons. There were no other factors other than the original call that led PO Boyle to believe that § 87(2)(b) was a potential threat to herself and others. PO Boyle did not recall if he spoke to § 87(2)(b) s neighbors before entering the residence, and said that it was possible that other officers entered the residence as well (06 Board Review).

PO Williams did not have an independent recollection of the incident, but after being shown a detailed EVENT, recalled responding to a dispute between neighbors that day, in which a group of civilians, who were outside, had a dispute with another who lived upstairs in an apartment. PO Williams did not know if that incident was related to § 87(2)(b) s complaint. PO Williams was not familiar with § 87(2)(b) and did not recall ever entering her apartment. In her memo book, § 87(2)(b) Williams marked the incident as an EDP job (10 Board Review).

PO Chilelli, PO Douglas, PO Memi, and PO Craven did not have independent memories of the incident, and did not recall any aspect of the incident. However, all of their memo books note the incident. Specifically, PO Douglas and Craven mark the incident as a 54 (Ambulance case), and PO Chilelli and Memi mark it as an EDP job (11-14 Board Review).

The EVENT Information for this incident notes that the call came over as an AIDED female with a mental history, who made threats to shoot her neighbor and then re-entered her residence. EMS was dispatched to the scene in regards to that female, who was classified as an EDP at that time. The EVENT was closed with the note that the civilian was deemed not an EDP and with the disposition 93C, complaint report prepared. However no complaint reports were generated in regards to § 87(2)(b) for the day of the incident (07 Board Review).

Upon receiving radio communications requesting aid for an emotionally disturbed person at an apartment, the police are justified in entering that location pursuant to the emergency doctrine. Under the emergency doctrine, the police may enter one's premises without a warrant where they have reasonable grounds to believe an emergency is at hand, and there is an immediate need for their assistance. However, entry must not be motivated by the intent to apprehend and arrest a suspect or to seize evidence (People v. James, N.Y. Misc. 392, 2001 NY Slip Op 40035(U)) (18 Board Review).

Police may conduct a warrantless entry if it is reasonable to believe that someone inside the location in question is in danger and in need of assistance. (People v. Paulino, 629 N.Y.S.2d 22, 216 A.D.2d 238) (19 Board Review).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

Allegation C – Abuse of Authority: Police Officer Daniel Boyle refused to provide his name and/or shield to an individual.

On December 8, 2016, § 87(2)(b) was interviewed in regards to CCRB § 87(2)(b). During that interview, she alleged that in this case, her husband asked PO Boyle for his name, at which point he allegedly said “I don’t have to give you that,” and then covered his name plate with his hand. At that point, § 87(2)(b) asked PO Boyle and PO Williams to leave, which they did. § 87(2)(b) did not make this allegation during her intake statement or during her interview for this case. (15 Board Review).

PO Boyle said that he did not think that § 87(2)(b)'s husband asked for his name, and did not recall if § 87(2)(b) was given his name. He denied intentionally obscuring his name plate, and denied refusing to provide his name or shield to anyone (06 Board Review).

PO Williams did not have an independent recollection of the incident, and although she recalled responding to a dispute between neighbors at an outdoor location, she did not recall ever entering § 87(2)(b)'s residence, the location of the allegation. She did not recall any officer refusing to provide his or her name or shield during the incident, and did not recall any civilian complain of it either (10 Board Review).

PO Chilelli, PO Douglas, PO Memi, and PO Craven did not recall any aspect of what occurred that day (11-14 Board Review).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Squad: 3

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date